

### REMARKS

Applicant wishes to thank Examiner Hammond for his time and discussion of the prior art of record on September 4, 2008.

Claims 1-23 have been canceled. Claims 24-43 are newly entered. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved. Specifically, Applicant refers the Examiner to the recently canceled claims, Figures 9 & 23-24, and the following paragraphs of the specification for support for the newly-entered claims: [016], [103], [114], [128], [154], [174-184], [225-227], [243-251], [259-273], [295], [332-333], [412], and [476].

Although the new claims have been drafted to merely clarify the invention, they may, in certain instances result in broader scope. Furthermore, Applicant no longer intends to be limited to any claim amendments, specific mechanisms or arguments that were previously entered in this case. “[P]ermitting recapture of the disclaimed scope, the prosecution history must be sufficiently clear to inform the examiner that the previous disclaimer, and the prior art that it was made to avoid, may need to be re-visited.” See, Hakim v. Cannon Avent Group, PLC, et al., 479 F.3d 1313 (Fed.Cir. 2007) citing Springs Window Fashions LP v. Novo Indus., L.P., 323 F.3d 989, 995 (Fed. Cir. 2003). Therefore, Applicant further requests that the Examiner reconsider the prior art previously cited via IDSes and in prior office actions, as well as perform any additional prior art searching deemed necessary.

### Prior Art

In the present Office Action dated April 23, 2008, the Examiner cited the following references as prior art: US Patent 6,788,772 (Barak) and US Patent 6,529,593 (Nelson). The rejections in the present Office Action are moot in light of the new claims entered, however, Applicant wishes to address some differences between the prior art and the presently claimed invention to advance the prosecution of this application particularly with regard to the function and structure of the claim term “shadow wallet”.

Referring specifically to [248-249] of the present application:

A number of Consumer Servers (925) may access a single wallet in a wallet server (e.g. large resources and bundled allowances) through the creation of Shadow wallets on each Consumer Server (925), **preventing contention for single resource values**. Where a Wallet (250...) has a limited resource value shared across Consumer Servers (925) then there may be an internal loan mechanism that partitions the bundles across the servers. There are then both proactive and reactive mechanisms to redistribute the 'unused' part of the wallet.

As this portion of the specification indicates, the shadow wallets which are presently claimed are discrete partitions of a resource distributed across multiple logical servers.

### **Barak**

#### **Barak's Call Control Limitations Do Not Partition a Resource into Independently Accessible Buckets/Wallets**

Barak discloses hardcoding a telecom account which includes master and child IDs with call control limitations that are set by a user (the primary). See, Barak at Col. 3: 19-25. These IDs relate merely to access. They do not impose any structural parameters around the resource being manipulated. An arbitrary call control limitation (Barak) is not the resource partitioning of the present application. Since Barak only deals with access to the account (which may be directly manipulated by the primary) it is not dividing up the resource/usage allocation associated with that account into discrete data structures. See, Barak at Col. 2:55-59:

The database 20 contains lists of subscribed telephone numbers, user identifiers associated with the telephone numbers, optionally call control limitations assigned to the user identifiers, and updatable account information associated with user identifiers.

All of the user identifiers assigned to a particular account have access to, effectively, the “master wallet”. **They are all contending for the same resource.** Because the resource itself is not being partitioned in Barak, it would, for example among other deficiencies, be possible to overdraw the master account via simultaneous usage if the call control limitations are set incorrectly.

In contrast, the present invention restricts each shadow wallet to a specific amount of the master wallet – it creates a logical, independent component of data storage in which it divides the master wallet. *See also, Application* at [016]. It is like pouring a resource from a master bucket into separate smaller buckets. *See also, Application* at [227]. Thus, once the resource from a smaller bucket is consumed, no further activity can occur until the shadow wallet procures a loan or some other form of replenishment from either the master wallet or another shadow wallet. *See also, Application* at [174-184] and Figures 23-24.

### **Barak Requires User Manipulation to Set and Update the Call Control Limitations**

In addition to the problems inherent in setting call control limitations on an account, Barak is directed toward *a user* setting these limitations. *See again, Barak* at Col. 3: 19-25. Nothing in Barak monitors usage across all of the shadow wallets derived from said master wallet and automatically adjusts the usage allowances subdivided across those shadow wallets in anticipation of expected future use of said shadow wallets. *See, Application* at [112]. Rather, Barak requires the individual user to request a supplement to the account after depleting the initially allocated budget. *See, Barak*, at Col. 6:37-39. Then, in Barak, the primary “may do so by logging into the server.” *See, Barak*, at Col. 6:40.

Even when the present invention is acting reactively to a request, it does so automatically via the Consumer Server (logical server) rather than a user: “For example the Consumer Server (925) could receive a request for 100 minutes and then reactively ask the Wallet Server (940) for a larger loan.” *See, Application* at [254].

Nelson

Nelson Discloses a Consolidated Prepaid Account Not Independent Buckets/Wallets

Nelson discloses a consolidated prepaid account from which both wireline and wireless phone service charges may be deducted. *See, Nelson*, Col. 8: 20-30 which states “A prepaid amount column includes a single pool of money in the account from which each telecommunications device assigned to the subscriber draws from as they are used.” This reference actually teaches away from the presently claimed invention which is directed to preventing contention for single resource values rather than encouraging such contention. *See again, Application* at [248-249].

Conclusion

Applicant respectfully requests reconsideration and an early notice of allowance. Should the Examiner wish to discuss the amendments or arguments made herein, Applicant invites the Examiner to contact the undersigned at (513) 651-6426 or via e-mail at [rschalnat@fbtlaw.com](mailto:rschalnat@fbtlaw.com). The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully Submitted,

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